

### **REMARKS**

Claims 1-37 are currently pending in the subject application and are presently under consideration. Claims 1, 2, 3, 13, 27, 29-32, and 35 have been amended as shown at pages 4-8 of the Reply. Claim 10 has been cancelled. In addition, the specification has been amended as indicated at pages 2-3.

Applicants' representative thanks Examiners Myhre and Heffington for the courtesies extended during the telephonic interviews conducted on May 8, 2007. Examiners were contacted to discuss the claim objection and rejections under 35 U.S.C. §112 and interpretation of the prior art with respect to the claims in light of 35 U.S.C. §102 and 35 U.S.C. §103. Proposed arguments and amendments were provided to the Examiners. Examiners indicated that further search and consideration was required to determine if the claims would be allowed over the cited prior art in light of proposed amendments.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claim 7 Under 35 U.S.C §112**

Claim 7 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites *a utility component that factors cost associated with rendering an incorrect image versus benefit of rendering a correct image*. The Office Action contends that it is not possible for the system to render incorrect images. However, the specification clearly discloses an inference component that infers the state of the entity. (see e.g., page 5, lines 1-26; page 7, line 28 – page 8, line 2). Inference based on probability allows for a probability of being incorrect. As such the utility component can utilize the probability associated with the inference to perform a cost benefit analysis. The specification discloses many benefits, for example, user not having to manually address a change of state and providing updated status to a user, etc. Costs are well known in the ordinary meaning of the term to be the means spent to achieve a benefit, which includes means such as money, lost opportunity, time, and resources. The costs of rendering an incorrect image and benefits of rendering a correct image would be based on and well known to the entities utilizing the invention. A person skilled in the art at the time of the invention would know how to obtain this information from those entities and make the

information available to a utility component. A person skilled in the art would also know how to perform a cost versus benefit analysis.

In view of at least the foregoing, it is readily apparent that claim 7 complies with the requirements of 35 U.S.C. §112, second paragraph. Accordingly, this rejection should be withdrawn.

## **II. Rejection of Claims 14 and 29-31 Under 35 U.S.C §112**

Claims 14 and 29-31 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14 and 29-31 have been amended to remove the terms in question. Therefore, this rejection should be withdrawn.

## **III. Rejection of Claims 1-6, 11, 12 and 35 Under 35 U.S.C. §102(e)**

Claims 1-6, 11, 12 and 35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bosik, *et al.* (US 6,987,840). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosik, *et al.* does not teach each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject claims relate to a profile system that allows for exchange of entity state information through rich content. For example, a user who is at lunch can have their profile provide a graphical indicator to other users that represents eating lunch, such as a plate with food on it. In particular, independent claim 1 (and similarly independent claim 35) recites *a state component that receives information relating to a state of at least one **entity, wherein an entity is an individual or group of individuals; and a notifications component that dynamically***

*renders at least one user selected or user designed graphical indicia representative of the entity's state.*

Bosik, *et al.* does not teach or suggest the aforementioned novel features as recited in the subject claims. The cited reference discloses a system for a user to maintain synchronization of message status between an e-mail and phone system where a message can be retrieve from both systems. The cited reference is silent regarding the status of an entity that is an individual or group of individuals. The system of Bosik, *et al.* will copy and convert if necessary a message from phone system to the e-mail system and vice versa. When a message is accessed from one system a message indicator status is changed and sent to the other system so the message reflects the same status in both systems. However, Bosik, *et al.* is fails to disclose how and if the message indicator status is conveyed to the user. The cited art is silent regarding a graphical indicia of the status, let alone one that is user specified. Therefore, Bosik, *et al.* fails to teach or suggest a state component that receives information relating to a state of at least one entity, wherein an entity is an individual or group of individuals; and a notifications component that dynamically renders at least one user selected or user designed graphical indicia representative of the entity's state.

In view of the foregoing, applicants' representative respectfully submits that Bosik, *et al.* fails to teach or suggest all limitations a recited in independent claims 1 and 35 (and claims 2-6, 11, 12 that depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

#### **IV. Rejection of Claim 7 Under 35 U.S.C. §103(a)**

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bosik, *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosik, *et al.* do not teach each and every element of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 7 depends from independent claim 1. As discussed above with respect to independent claim 1, Bosik, *et al.* fails to teach a state component that receives information relating to a state of at least one entity, wherein an entity is an individual or group of individuals; and a notifications component that dynamically renders at least one user specified graphical indicia representative of the entity's state.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Bosik, *et al.* fails to teach or suggest all limitations as recited in independent claim 1 (and claim 7 that respectfully depends there from), and thus fails to make obvious the subject claimed invention. Therefore, withdrawal of this rejection is respectfully requested.

**V. Rejection of Claims 9, 13, 14, 15, 19, 23 and 25 Under 35 U.S.C. §103(a)**

Claims 9, 13, 14, 15, 19, 23 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bosik, *et al.* in view of Cowart (Mastering Windows 95). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosik, *et al.* and Cowart, alone or in combination, do not teach each and every element of the subject claims.

Claim 9 depends from independent claim 1. Independent claim 13 (similarly to independent claim 1) recites *a state component that receives information relating to a state of at least one entity, wherein an entity is an individual or group of individuals; ...a notifications component that dynamically renders at least one user selected graphical indicia representative of a state of the at least on entity*. As discussed above with respect to independent claim 1, Bosik, *et al.* does not teach this novel feature of the subject claims and Cowart fails to make up for the above noted deficiencies of Bosik, *et al.* Cowart discloses a messaging system that uses user profiles. However, Cowart is silent regarding the state of the user or rendering a user selected graphical indicia representative of the state of the user. Therefore, Bosik, *et al.* and

Cowart fails to teach or suggest dynamically renders at least one user selected graphical indicia representative of a state of the at least one entity.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Bosik, *et al.* and Cowart, alone or in combination fail to teach or suggest all limitations as recited in independent claims 1 and 13 (and claims 9, 14, 15, 19, 23 and 25 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

#### **VI. Rejection of Claims 16, 17 and 24 Under 35 U.S.C. §103(a)**

Claims 16, 17 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bosik, *et al.* and Cowart as applied to claim 13 above, and further in view of Schwartz, *et al.* (US 2003/0061114 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosik, *et al.*, Cowart, and Schwartz, *et al.*, alone or in combination, do not teach each and every element of the subject claims.

Claims 16, 17 and 24 depend from independent claim 13. Independent claim 13 recites *a state component that receives information relating to a state of at least one entity, wherein an entity is an individual or group of individuals; ...a notifications component that **dynamically renders at least one user selected graphical indicia representative of a state of the at least on entity***. As discussed above with respect to independent claim 13, Bosik, *et al.* and Cowart do not teach this novel feature of the subject claims and Schwartz, *et al.* fails to make up for the above noted deficiencies of Bosik, *et al.* and Cowart. Schwartz, *et al.* discloses a system for setting up on-line neighborhoods of local businesses. The cited reference provides tools that make it easy for a local business to create a web page for their business. However, Schwartz, *et al.* is silent regarding the state of the business or rendering a user selected graphical indicia representative of the state of the business. Therefore, Bosik, *et al.*, Cowart, and Schwartz, *et al.* fails to teach or suggest dynamically renders at least one user selected graphical indicia representative of a state of the at least one entity.

For these reasons, applicant's representative respectfully submits that Bosik, *et al.*, Cowart, and Schwartz, *et al.*, alone or in combination fail to teach or suggest all limitations as recited in independent claim 13 (and claims 16, 17 and 24 that respectfully depend there from),

and thus fails to make obvious the subject claimed invention. As such, withdrawal of this rejection is respectfully requested.

**VII. Rejection of Claims 20, 21, 26 and 28 Under 35 U.S.C. §103(a)**

Claims 20, 21, 26 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bosik, *et al.* and Cowart as applied to claim 13 above, and further in view of Adar, *et al.* (US 6,915,284 B2). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosik, *et al.*, Cowart, and Adar, *et al.*, alone or in combination, do not teach each and every element of the subject claims.

Claims 20, 21 and 26 depend from independent claim 13 and claim 28 depends from independent claim 27. Independent claim 27 (similarly to independent claim 13) recites *receiving state information associated with a state of at least one entity, wherein an entity is an individual or group of individuals; dynamically rendering at least one user selected graphical indicia representative of the state*. As discussed above with respect to independent claim 13, Bosik, *et al.* and Cowart do not teach this novel feature of the subject claims and Adar, *et al.* fails to make up for the above noted deficiencies of Bosik, *et al.* and Cowart. Adar, *et al.* discloses a knowledge system that provides automatic responses to inquiries. The cited reference employs profiles to gather the knowledge of users. However, Adar, *et al.* is silent regarding the state of the users or rendering a user selected graphical indicia representative of the state of the users. Therefore, Bosik, *et al.*, Cowart, and Adar, *et al.* fails to teach or suggest dynamically rendering at least one user selected graphical indicia representative of the state.

For these reasons, applicant's representative respectfully submits that Bosik, *et al.*, Cowart, and Adar, *et al.*, alone or in combination fail to teach or suggest all limitations as recited in independent claims 13 and 27 (and claims 20, 21, 26 and 28 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. As such, withdrawal of this rejection is respectfully requested.

**VIII. Rejection of Claims 32, 33, 34 and 36 Under 35 U.S.C. §103(a)**

Claims 32, 33, 34 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bosik, *et al.* in view of Schwartz, *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosik, *et al.* and Schwartz, *et al.*, alone or in

combination, do not teach each and every element of the subject claims.

Claims 33 and 34 depend from independent claim 32 and claim 36 depends from independent claim 35. Independent claim 33 (and similarly independent claim 35) recites *receiving state information associated with a state of at least one entity, wherein an entity is an individual or group of individuals; ... dynamically rendering at least one user selected graphical indicia representative of the state to the at least one entity and to the subscriber*. As discussed above with respect to the similar limitations of independent claims 1, 13 and 27, Bosik, *et al.* and Schwartz, *et al.* do not teach this novel feature of the subject claims.

Accordingly, applicant's representative respectfully submits that Bosik, *et al.* and Schwartz, *et al.*, alone or in combination fail to teach or suggest all limitations as recited in independent claims 32 and 35 (and claims 33, 34 and 36 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Hence, withdrawal of this rejection is respectfully requested.

**IX. Rejection of Claim 37 Under 35 U.S.C. §103(a)**

Claim 37 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bosik, *et al.* in view of Adar, *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosik, *et al.* and Adar, *et al.*, alone or in combination, do not teach each and every element of the subject claims.

Claim 37 depends from independent claim 35. Independent claim 35 recites *means for receiving state information associated with a state of at least one entity, wherein an entity is an individual or group of individuals; means for dynamically rendering at least one user selected graphical indicia representative of the state;*. As discussed above with respect to the similar limitations of independent claims 1, 13, 27, and 32 Bosik, *et al.* and Adar, *et al.* do not teach this novel feature of the subject claims.

Accordingly, applicant's representative respectfully submits that Bosik, *et al.* and Adar, *et al.*, alone or in combination fail to teach or suggest all limitations as recited in independent claim 35 (and claim 37 that respectfully depends there from), and thus fails to make obvious the subject claimed invention. For this reason, withdrawal of this rejection is respectfully requested.

**X. Rejection of Claims 29 and 31 Under 35 U.S.C. §103(a)**

Claims 29 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bosik, *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosik, *et al.*, does not teach each and every element of the subject claims.

Claims 29 and 31 depend from independent claim 27. Independent claim 27 recites *receiving state information associated with a state of at least one entity, wherein an entity is an individual or group of individuals; dynamically rendering at least one user selected graphical indicia representative of the state.* As discussed above with respect to independent claim 27, Bosik, *et al.* do not teach this novel feature of the subject claims.

Therefore, applicant's representative respectfully submits that Bosik, *et al.* fails to teach or suggest all limitations as recited in independent claim 27 (and claims 29 and 31 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

**XI. Rejection of Claim 30 Under 35 U.S.C. §103(a)**

Claim 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bosik, *et al.* in view of Kan, *et al.* (US 2003/0088544 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosik, *et al.* and Kan, *et al.*, alone or in combination, do not teach each and every element of the subject claims.

Claim 30 depends from independent claim 27. Independent claim 27 recites *receiving state information associated with a state of at least one entity, wherein an entity is an individual or group of individuals; dynamically rendering at least one user selected graphical indicia representative of the state.* As discussed above with respect to independent claim 27, Bosik, *et al.* do not teach this novel feature of the subject claims and Kan, *et al.* fails to make up for the above noted deficiencies of Bosik, *et al.* Kan, *et al.* discloses an information retrieval system where providers of information register the types of information requests to which they will respond. The system then matches information requests to providers based upon the type of information request. However, Kan, *et al.* does not determine the state of the information provider or rendering a user selected graphical indicia representative of the state of the information provider. Therefore, Bosik, *et al.* and Kan, *et al.* fails to teach or suggest *dynamically rendering at least one user selected graphical indicia representative of the state.*



In view of at least the foregoing discussion, applicant's representative respectfully submits that Bosik, *et al.* and Cowart, alone or in combination fail to teach or suggest all limitations as recited in independent claims 1 and 13 (and claims 9, 14, 15, 19, 23 and 25 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP499US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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